

REMARKS

This responds to the Office Action mailed on October 19, 2005, and the references cited therewith.

Claims 1, 8-9, and 16 are amended, claims 10-15 and 24-29 are cancelled, without prejudice by the Applicant; as a result, claims 1-9 and 16-23 are now pending in this application.

Applicant reserves the right to file later divisionals or continuations directed to the subject matter of the cancelled claims. Moreover, Applicant notes that cancelled claims 10-15 depend from a non-cancelled independent claim 9; therefore, Applicant assumes if claim 9 becomes allowable that claims 10-15 would be reinstated and permitted as well, since these claims depend from claim 9.

Claim Objections

Claim 8 was objected to as lacking antecedent basis, specifically the terms “the third request” and “the third computing environment.” Claim 8 was inadvertently dependent from claim 1 when it should have depended from claim 6, which does include the proper antecedent bases for the terms in question. The proper dependency has been made by way of amendment to claim 8 above. Correspondingly, the objection with respect to claim 8 is no longer appropriate and should be withdrawn.

Claims 1-9 were objected to because it was unclear to the Examiner what is meant by “concurrent access to data on cross-computing environments.” The Examiner requested clarification as to whether the data was being concurrently accessed by both environments or whether the data was provided to each environment and then available for concurrent access. The Examiner’s assumption was correct and the former case is what was intended by the Applicant. Accordingly, claim 1 is now amended to reflect that the data is concurrently accessed by both environments. Therefore, the objection with respect to this phrase is no longer appropriate and should be withdrawn. Applicant respectfully requests an indication of the same.

§103 Rejection of the Claims

Claims 1-9 and 16-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jain (U.S. 5,434,776) in view of Official Notice. It is of course fundamental that in order to sustain an obviousness rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference. Here, Applicant assumes that the Examiner believes some aspects of the claims to be suggested by Jain in view of the Examiner's use of one reference for the obviousness rejection and combined usage of an Official Notice. It is also noted that improper hindsight gleaned from reading and comprehending Applicant's invention is improper when asserting an obviousness rejection.

Jain is directed to techniques for enabling multi-lingual computer programs. Applicant would like to point out to the Examiner that Jain was filed in 1992. Therefore, a number of assumptions that the Examiner makes with the Official Notice via World-Wide Web (WWW) browsers and its technology would not have been available to Jain or those skilled in the art at the time of Jain.

That is, browser technology was just in its incipient or nascent stages in 1992 and there was no concept of Active Server Pages (ASP) or Java Applets. Moreover, because Jain was not filed and taught within the context of the WWW it includes a number of structural limitations that are not obvious and which would require substantial rewriting to work in the manner being proposed by the Examiner. It is also noted that no other art has been cited that when combined with Jain would render Applicant's invention obviousness, even though browser technology has been around in full glory since the late 1990's. In view of all this, the Applicant initially takes exception to the Official Notice and asserts that it could have only been raised after reading and comprehending Applicant's invention; such a situation is improper hindsight and impermissible.

Jain was developed so that an executable program processing within a user's environment could be configured to operate in different languages without requiring a recompile of that executable program. The manner taught by Jain to achieve this is straightforward. First, all conceivable or desired language messages are identified and hard coded as messages and associated with a message identifier or number. Each different language has the same set of converted messages with the same identifiers in their own language directory or portion of the program's header file. Second, when a user on a computer that processes the program desires to

identify a different language a configuration parameter is communicated to the program. Third, the parameter permits the program to grab the proper hard coded messages (message set) for the desired language from message files or from headers within the program.

What is apparent about Jain is that it is not directed to delivering or rendering information to multiple users over a network; rather, a single user that wants to run a specific program can (within the user's computer) configure a desired language for that program so that messages that emanate from the program are communicated to the user during the program's execution in the user's desired language. Applicant does not believe the Examiner will disagree with this assessment of Jain, since such an interpretation is readily apparent from the teachings presented in Jain.

The Examiner also appears to recognize this and suggests that Jain could have been expanded to a network application operating via a browser for information rendering rather than message communication for a particular program's execution. The Examiner also appears to suggest that Jain could be further expanded to permit concurrent access and disparate language rendering. Applicant respectfully disagrees with this interpretation because Jain would require a substantial and complete rewrite to achieve the functionality the Examiner asserts and such undue and excessive modifications are inconsistent with the law of obviousness and Applicant believes consistent with improper hindsight construction.

However, in order to highlight and clarify major distinctions between Jain and Applicant's approach, the Applicant has amended the independent claims. The amendments now clearly limit the message file to one in which data is dynamically translated and rendered into a specific language format and to one in which some portions of the message file is dynamically resolved in response to a specific computing environment.

The messages in Jain are pre-translated and hard coded within a message or within a header file for the program that supports multi-lingual messages. A specific message does not dynamically translate or render data into a desired language, because a specific message in Jain is already in the desired language data once it is identified. Second, nothing is dynamically resolved from a message because the message in Jain is all that is desired. In other words, the message sought in Jain is the desired data in the desired language. Conversely, the data sought with Applicant's invention is tailored to the computing environment, at least partially and

dynamically resolved, and dynamically rendered. This is done via the message file. The message file in Applicant's invention is a mechanism for dynamically servicing a request with customized data in a desired language. One message file can service any number of requestors using the raw and native data and some portions of that data can be customized based on the computing environment of the requestor, since the message file facilitates the dynamically rendering of the data. In Jain the desired data in a desired language is the message and it is acquired via an identifier; there are not selective portions of the message that can be dynamically resolved or changed depending upon the computing environment and the message is not dynamically rendered.

So, fundamentally the converted data is the message or message file presented and taught in Jain whereas Applicant's amended independent claims now make clear that the message file is not the translated data; rather it is a mechanism to dynamically render and customize the translated data. This is significant because Jain hard codes translated messages and selects them based on an identifier associated with a desired language. The entire message is presented and within the context of a specific program. Requestors of the message can not have custom portions of the message delivered and presented to them; they get the whole hard coded message. This is not the case with Applicant's invention where the data can be selectively presented, resolved, and delivered in a desired language via evaluation of the message file that permits the dynamically translation and rendering of the data. The message file is not what is desired by a requestor in Applicant's invention it is the dynamically rendered data that the message file facilitates dynamic resolution and rendering of. Conversely the message is what is desired by an operator of the program described in Jain and that message is hard coded and delivered in total and unchanged to the operator when it is appropriate within the confines of the program's execution to do so.

Jain was taught within the confines of technology for 1992, which was substantially pre-browser and WWW. Jain teaches a non-networked program on a user's desktop that includes identifiers for messages that a program communicates. A desired language can be communicated and the identifiers used to select hard coded and predefined translations for the messages in the desired language format. Jain does not envision the WWW or the browser does not discuss delivering data outside the context of the program that is made multi-lingual and does

not have a concept of dynamically resolving and rendering messages via another mechanism such as the message file.

Accordingly, Applicant respectfully submits that the rejections with respect to Jain should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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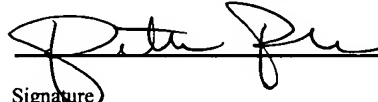


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of January, 2006.

Peter Rubinfeld

Name



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